

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

IN RE:

**RANSOM T JOHNSON
DEBTOR(S)**

**1:18-bk-10887-SDR
CHAPTER 13**

**MOTION FOR RELIEF FROM THE AUTOMATIC
STAY OF SECTION 362 AND CO-DEBTOR STAY OF SECTION 1301 OR IN THE
ALTERNATIVE ADEQUATE PROTECTION**

NOTICE OF HEARING

Notice is hereby given that:

A hearing will be held on this matter on the Motion for Relief on November 8, 2018, 1:30 p.m. in United States Bankruptcy Court Historic U.S. Courthouse, Courtroom A, 31 East 11th Street, Chattanooga, TN 37402-2722.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested, you or your attorney must attend this hearing. If you do not attend the hearing, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

COMES NOW Ocwen Loan Servicing, LLC, as Servicer for Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Quest Trust 2005-X2, Asset Backed Certificates, Series 2005-X2 (herein "Ocwen Loan Servicing, LLC") and respectfully shows the Court the following:

1. On February 28, 2018, the Debtor, Ransom T Johnson, filed a petition with the Bankruptcy Court for the Eastern District of Tennessee under Chapter 13 of Title 11 of the United States Code.

2. On the date the petition was filed, Ransom T Johnson ("Debtor") and Kathy Johnson ("Co-Debtor") were the owners of real property with an address of 214 Ables Road, South Pittsburg, TN 37380 ("Property") and more particularly described in the Deed of Trust referred to below.

3. The said Deed of Trust secures a Note in favor of Ameriquest Mortgage Company, in the original principal amount of \$75,600.00, dated July 8, 2005 ("Note"), a copy of which is attached as "Exhibit 1."

4. The Property is subject to the first lien of the Movant by the Deed of Trust recorded in the Marion County Public Registry, ("Deed of Trust"), a copy of which is attached as "Exhibit 2."

5. Ocwen Loan Servicing, LLC services the underlying mortgage loan and note, for Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Quest Trust 2005-X2, Asset Backed Certificates, Series 2005-X2 (hereinafter, "noteholder") and is entitled to proceed accordingly. Should the Automatic Stay be lifted and/or set aside by Order of this Court or if this case is dismissed or if the Debtor obtains a discharge and a foreclosure action is commenced or recommenced, said foreclosure action will be conducted in the name of Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Quest Trust 2005-X2, Asset Backed Certificates, Series 2005-X2. The noteholder has the right to foreclose because noteholder is the original mortgagee or beneficiary or assignee of the security instrument for the referenced loan. Noteholder directly or through an agent has possession of the promissory note and the promissory note is either made payable to Noteholder or has been duly endorsed.

6. Pursuant to the plan, the mortgage payments were to be paid through the plan.

7. The mortgage payments to be made inside the plan are delinquent. Upon information and belief, from Ocwen Loan Servicing, LLC, the amount of the default, exclusive of attorney fees and costs, is as follows:

5 payments at \$799.42	\$3,997.10
April 1, 2018 To August 1, 2018	
2 payments at \$799.43	\$1,598.86
September 1, 2018 To October 1, 2018	
Less Suspense	(\$721.11)
TOTAL PAYMENTS DUE	\$4,874.85

8. The approximate payoff as of October 2, 2018 is \$95,887.72.

9. The scheduled value of the subject property is \$110,000.00. This information was obtained from Schedule D.

10. Because the Debtor(s) have failed to keep the payments current, as required, Ocwen Loan Servicing, LLC, is entitled to relief from the Automatic Stay pursuant to Section 362(d)(1) of the Bankruptcy Code for cause shown including, but not limited to, lack of adequate protection.

11. Ocwen Loan Servicing, LLC seeks application of the provisions of Section 362(e).

WHEREFORE, Ocwen Loan Servicing, LLC, prays the Court as follows:

1. Modify the Automatic Stay of Section 362(a) and 1301(a) of the Bankruptcy Code to permit Ocwen Loan Servicing, LLC, to enforce its security interest in the real property of the Debtors.
2. As an alternative to the relief prayed for above, grant adequate protection to Ocwen Loan Servicing, LLC, for its interest in the property of the Debtor and Co-Debtor.
3. Modify Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure so that it is not applicable in this case and so Ocwen Loan Servicing, LLC, may immediately enforce and implement this order granting relief from the automatic stay.
4. Grant Ocwen Loan Servicing, LLC, such other and further relief as may seem just and proper.

NOTICE TO CO-DEBTOR: IF YOU DO NOT FILE A WRITTEN RESPONSE TO THIS MOTION WITHIN TWENTY (20) DAYS AFTER THE FILING OF THIS REQUEST, THE LAW PROVIDES THAT THE STAY PROTECTING YOU FROM FURTHER LEGAL ACTION AGAINST YOU BY THIS CREDITOR WILL AUTOMATICALLY TERMINATE [SEE 11 U.S.C. §1301(d)].

This the 11th day of October, 2018.

/s/ Allison J. Scott

Allison J. Scott, Attorney for Creditor, Bar # 033529

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing motion for relief from the automatic stay, proposed order granting relief from the automatic stay and exhibits and annexed pleading or paper upon:

(Served via U.S. Mail)
Ransom T. Johnson
1025 Frances Springs Road
Jasper, TN 37347

(Served via U.S. Mail)
Kathy Johnson
214 Ables Road
South Pittsburg, TN 37380

(Served via Electronic Notification Only)
Amelia Roberts
4115 North Terrace
Chattanooga, TN 37411

(Served via Electronic Notification Only)
Kara L. West
P.O. Box 511
Chattanooga, TN 37401

(Served via Electronic Notification, Only)
United States Trustee
Historic U.S. Courthouse
31 E. Eleventh Street, Fourth Floor
Chattanooga, TN 37402

by depositing the same in a postpaid wrapper properly addressed to each such party or his attorney of record in a post office or other official depository under the exclusive care and custody of the United States Postal Service and/or by electronic mail, if applicable.

This the 11th day of October, 2018.

/s/ Allison J. Scott

Allison J. Scott, Attorney for Creditor, Bar # 033529

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09-023374